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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,777	10/02/2003	Chun-Feng Chen	AP3048-MT51BA01	5241

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/679,777

Applicant(s)

CHEN, CHUN-FENG

Examiner

Lee Lum

Art Unit

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*ML*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. The disclosure is objected to because of the following issue:

In a claim, when reciting an element for the first time, the element *must* be preceded by “a” or “an”. The following elements are examples of this omission:

In Claim 1, line 10 – “elbow” and “user”, line 20 – “side”

In Claim 2, line 3 – “wall”.

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the combined handle assembly as described in the specification. Specifically, the invention is very unclear because no single drawing depicts the two handlebars connected together as described. It is highly recommended that at least one additional drawing should be added to depict the entire assembly. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Also, the following issues exist:

- a. Figs 3 and 3A-D are incorrectly labeled. The first drawing should be labeled “Fig. 3A”, the second “Fig. 3B”, etc. The descriptions in the Spec should be amended to reflect these changes.
- b. The “front” and “rear” of the various components, and of the entire assembly, should be identified.
- c. It is noted that fig 3B appears to add nothing towards comprehension of the “retaining seat” as it appears to be a crosssection of fig 3A.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

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should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures.

If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Spec is replete with issues of clarity as to the structure of the two-handlebar assembly, therefore the invention is unclear. The following are examples.

- a. The positioning of the two handles with respect to each other is totally unknown because the drawings fail to depict the entire assembly in at least one drawing.
- b. The "front end" and "rear end" of many components cannot be identified since "front" and "rear" are not identified in the drawings.
- c. It is unclear if the "protecting cushion" is "installed at a rear end of the second holding portion" because "front" and "rear" of the components are unidentified. However, if this arrangement is correct, it is unclear why the "front retaining seat 5" is so named because that location is (apparently) towards the "rear" (as in "rear end of the second

holding portion”), not the “front”. Additionally, it is unclear if “the rear end of the second holding portion” or the “cushion” is “vertically bended”, as described in the Spec, and in Claim 1, first paragraph.

d. The “rear retaining seat 4 having a connecting seat 42” does not connect the “second handle”, but connects the “cushion”, as described in the Spec, and in Claim 1, third paragraph.

e. Re the “front retaining seat 5”:

i. “One side” of this seat does not appear to be connected with the “positioning groove” of the “rear retaining seat 4”.

ii. It is unknown which “side” of this seat includes “cambered groove 51”.

f. The “second holding portion” is not “locked to the retaining seat 53, but is connected to “an (unidentified) end of the “second handle”. Also, “an end of the second handle” is “locked to the retaining seat (53) via a stud...through the third hole (532)”, not the “through hole (531)”.

g. The “position pad 6” does not appear to “secure the rear and front retaining seats”, while a “stud through third hole 532” does.

i. Under the “Brief Description of the Drawings”, the following errors exist:

i. Fig 2 should be labeled “Prior Art”, as described in this section, unless it is NOT prior art. If this is the case, the existing label “Prior Art” should be deleted.

ii. Figs 3A and 3B are NOT “front/rear assembled schematic views”, but simply two views of the “front retaining seat 5”.

iii. Figs 3C and 3D are NOT a “lateral schematic crossview”, but are simply each a “lateral view”. (A “crossview” shows an “crosssection” of a structure or portion, and portions of a “crosssection” are illustrated with diagonal lines)

**AMENDMENT IS REQUIRED to clearly and correctly describe the two-handlebar assembly.**

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1 and 2** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The invention is very unclear due to the issues described above in paragraph 3, as well as the following:

In Claim 2, line 2, "another handle" is unclear because a "second handle" was established in Claim 1, and this element leaves unknown if there is more than two handles.

**AMENDMENT IS REQUIRED to clearly and correctly describe the two-handlebar assembly.**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**As best understood, Claims 1 and 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over Giard Jr 5154095.

**As best understood**, Giard discloses an ox-horn-shaped first handle to be combined with a second handle,

The first handle 10 having holding portions 18, and a middle portion 16,

The second handle 20 including holding portions 26, and cushion 30,

The first handle further comprising

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Two rear retaining seats (rear portions of elements 36/38) so to connect to portions of the first handle, including seat 34 for connecting the cushion, and holes (unidentified in fig 4) for fastener 40,

Two front retaining seats (front portions of elements 36/38) so to connect with portions of the first handle, including holes (unidentified in fig 4) for fastener 40,

A bottom end (unidentified bottom of seat 38) of the front retaining seat having seat 46 (fig 4) for connecting with the second handle, including fastener 50.

The reference does not disclose the first handle as having portions with an elliptical crosssection, but this characteristic clearly does not affect the proper operation/function of the invention. However, It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature for aesthetic purposes.

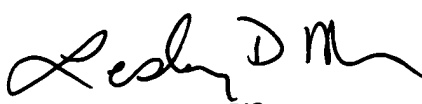
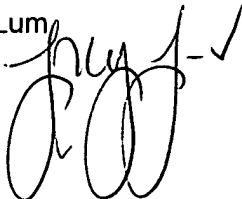
6. The prior art made of record, and not relied upon, is considered pertinent to the disclosure: Rocket 6662680, Kilmer 6564673, Marshall 6234043, Smith 5758548, Huang 5319995, Kattus et al 5315895, Schneider 5201243, Latta 5195394, Lennon 5145210, 4750754, Copeland 5138893, Giard Jr 5033325, Smith 5000469, Renner 4873886.

7. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 703 305-0232, M-F, 9-6. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 703 308-0629. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum  
Examiner  
9/17/04



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